

Werner, Robert

From: Moran, Gloria
Sent: Monday, December 22, 2014 5:23 PM
To: Jonathan Carroll
Cc: Moore, Gary; Werner, Robert; Mueller, Brian
Subject: Falcon Refinery Site - Impending PRP Status of LTRI

Mr. Carroll:

This email is intended to inform you that the Region 6 site team recommends that Region 6 management name Lazarus Texas Refinery I LLC (LTRI) a potentially responsible party (PRP) for response work and response costs associated with the Falcon Refinery site, Ingleside Texas. Although LTRI has not claimed the bonafide purchaser status in connection with the Falcon site, you are informed that there are conditions associated with the bonafide purchaser status.

The reasons for the team's recommendation include LTRI or its affiliates failure to comply with conditions in connection with bonafide purchaser status.

1. LTRI has failed to respond to numerous requests for information from the Region, a required condition of bonafide purchaser status.

- A. Region 6 On-Scene Coordinator, Gary Moore, on numerous occasions requested weekly written reports on the status of the removal action at the Falcon site. To date, LTRI or its affiliates have failed to send written status reports to Mr. Moore.
- B. Mr. Moore requested a written status report on the bank loan in connection with the refurbishing of the tanks, which was intended to result in the removal and disposal of tank materials - the removal action at the Falcon site. To date, LTRI or its affiliates have failed to provide written status information concerning the bank loan.
- C. Mr. Moore has requested detailed written information about the current operators of the former Superior storage operation. To date, LTRI or any affiliate have failed to provide information about the current operators of the former Superior Crude facility.
- D. Region 6 staff have requested information, description and financial information, about the loading operations at the dock area. To date, LTRI or its affiliates have failed to provide any information about the loading operations from the dock.

When you returned the phone call on Tuesday, December 16, 2014 that Bob Werner, Region 6 Enforcement Officer, and I placed a few days before December 16th, I informed you of the site

team's recommendation to name LTRI as a PRP, if a written status report about the issues in A – D above were not transmitted to the Regional site team for our consideration.

2. LTRI has failed to perform “continuing obligations” to abate threats or releases of hazardous substances at the Falcon site, a required condition of bonafide purchaser status. LTRI has direct knowledge of the continuing threats to the environment posed by the deteriorating tanks, in particular Tank 26. Yet, LTRI has failed to take action to abate threats posed to the Falcon site by the deteriorating condition of the tanks.

Gloria Moran

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